

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 09-20133-12-JWL
	)	
STEPHEN BLACKBURN,	)	
	)	
Defendant.	)	
	)	
_____	)	

**MEMORANDUM AND ORDER**

This matter presently comes before the Court on defendant's "Notice of Claim for Immediate Dismissal / Annihilation and Release" (Doc. # 1880), "Motion for Dismissal and Expungement / Annihilation for Lack of Jurisdiction and No Congressional Authority to Exist" (Doc. # 1882), and "Motion for Immediate Dismissal / Annihilation and Release" (Doc. # 1885), by which defendant appears to seek relief from the judgment against him. These motions are hereby **dismissed for lack of jurisdiction**.

The Court first addresses a procedural matter. The Government did not file any response to defendant's filings by the deadline set by the Court, and the Court subsequently ordered the Government to show cause why it had not responded. The Government responded to this order by stating that counsel had been experiencing issues in her personal life, that counsel had been busy with other work, that counsel did not note that a response brief had been ordered by the Court, and that the reason for the delay in filing a brief was

“simply human oversight.” Such a response, however, does not establish good cause, *see Putnam v. Morris*, 833 F.2d 903, 905 (10th Cir. 1987) (simple inadvertence or mistake of counsel usually does not suffice to establish good cause), and thus the Court will consider defendant’s motions without reference to the Government’s untimely response brief.

It is clear from the face of defendant’s motions that this Court lacks jurisdiction to consider defendant’s requests for relief from the judgment. The Court does not have jurisdiction to consider the motions under 28 U.S.C. § 2255 because defendant has not obtained authorization from the Tenth Circuit to file a successive motion under that statute. *See id.* § 2255(h); *United States v. Baker*, 718 F.3d 1204, 1206 (10th Cir. 2013). Moreover, a transfer of these motions to the Tenth Circuit would not be in the interests of justice because it is unlikely that they have merit. *See In re Cline*, 531 F.3d 1249, 1251 (10th Cir. 2008). Finally, defendant has not identified any other proper jurisdictional basis for this Court’s review of his request for relief from the judgment. Thus, the Court must dismiss these motions for lack of jurisdiction.

IT IS SO ORDERED.

Dated this 30th day of August, 2021, in Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge